

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

12 DELANO CARROL NELSON,

13 Plaintiff,

14 vs.

15 UNITED STATES and DOES 1
16 Through 10, inclusive,

17 Defendants.

Case No: CV 12-05761 JC

Assigned to Magistrate
Jacqueline Chooljian

**ORDER GRANTING
DEFENDANT'S MOTION TO
COMPEL DISCOVERY**

Date: April 9, 2013
Time: 10:00 a.m.
Ctrm: 20 (Spring Street)

[DISCOVERY MATTER]

22 Defendant's Motion to Compel Discovery, having come on for hearing, and the
23 Court having considered the pleadings, evidence presented, and the memorandum of
24 points and authorities,

25 IT IS HEREBY ORDERED that Defendant's Motion to Compel Discovery is
26 granted. Plaintiff has an obligation under Federal Rules of Civil Procedure 33 and 34
27 to provide full and complete responses to Defendant's Interrogatories, and to produce
28 all documents in his possession, custody, or control, which includes the obligation to

1 produce documents that the plaintiff has the legal right to obtain on demand. *United*
 2 *States v. Int'l Union of Petroleum & Industrial Workers, AFL-CIO*, 870 F.2d 1450,
 3 1452 (9th Cir. 1989); *Estate of Young v. Holmes*, 134 F.R.D. 291, 294 (D. Nev. 1991)
 4 (When a party can command the person or entity to release the documents, the party
 5 has control over these items). Plaintiff failed to provide either written responses or
 6 produce any documents in response to Defendant's Interrogatories and Request for
 7 Production of Documents, and thus has not complied with his obligations under the
 8 Federal Rules of Civil Procedure.

9 **IT IS HEREBY FURTHER ORDERED** that:

10 1. By not later than **April 19, 2013**, Plaintiff shall provide full and
 11 complete responses to Defendant's Interrogatories (Set One). Plaintiff's responses
 12 shall not interpose any objections to these Interrogatories; and

13 2. By not later than **April 19, 2013**, Plaintiff shall fully and completely
 14 respond to Defendant's Requests for Production (Set One) and shall provide all
 15 responsive documents within Plaintiff's possession, custody, or control regarding said
 16 Requests. Plaintiff's responses shall identify specifically which documents are being
 17 produced in response to each Request and shall not interpose any objections to the
 18 Requests. Nor shall Plaintiff withhold documents sought in the Requests on the basis
 19 of any objection or asserted privilege. If Plaintiff contends that neither he nor his
 20 attorneys/representatives has possession, custody, or control of documents responsive
 21 to the Requests, he shall affirmatively so state.

22 **Plaintiff is cautioned that any failure to fully and timely comply with this**
 23 **Order may result in sanctions including dismissal of this action.** Federal Rule of
 24 Civil Procedure 37(b)(2)(A).

25 Dated: April 9, 2013

/s/

26 Hon. Jacqueline Chooljian
 27 United States Magistrate Judge

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